

## **REMARKS**

Claims 1-23 are pending.

Claims 1-23 stand rejected.

Claims 1, 2, 8, 9-11, 15, 17, 18, 20, and 23 have been amended for clarity.

### **Claim Rejection - 35 U.S.C. § 101**

Claims 8 and 9 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8 and 9 have been amended to refer to a “computer programmable medium having instructions encoded therein to direct a processor to ...” Applicants respectfully submit that in accordance with *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995), claims 8 and 9 recite statutory subject matter.

Accordingly, Applicants respectfully request withdrawal of the rejection.

### **Claim Rejection - 35 U.S.C. § 112**

Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-23 have been amended to overcome the rejection. Applicant respectfully requests withdrawal of the rejection.

**Claim 1.** The Office Action, p. 2, states, “However, the information as determined in step (b) appears to be unable to instruct how the user context is developed.” Claim 1 has been amended to clarify a relationship between (b) and (c). Claim 1 recites, “(b) determining which, if any, information associated with the nonlinear site flow event should be included in the user context.” Claim 1 has been amended to recite “(c) developing the user context using the information, if any, associated with the nonlinear site flow event determined in accordance with (b).” Thus, the amendment relates (b) and (c).

**Claim 2.** The Office Action, p. 3, states, “Dependent claim 2 is purported to further limit step (b) of its parent claim 1.” “However, determining whether the nonlinear site flow event represents a new user request or a past user request recited in claim 2 appear (sic) to be unrelated to determining which, if any, information associated with the nonlinear site flow

event should be included in the user context (step b).” “Further, step (b) as recited in claim 2 has no functional relationship to step (c) of its parent claim 1.”

Applicants respectfully submit that paragraphs (24) and (25) of the present application provide an exemplary discussion of the relationship between a new user request or a past user request and the user context. For example,

Nevertheless, the parser 306 should record events associated with the new page request of Nonlinear Site Flow Case 1, because the new page request is generating new contextual information. This new information represents a valid portion of the user’s Web session context. In Nonlinear Site Flow Case 2, the resubmission of an original request does not represent new information. Therefore, when reconstructing a user’s session context, the parser 306 should ignore data recorded in association with the second event because the data does not include new information.

Applicants have also amended claim 2 to recite, “developing the user context further comprises: recording data associated with the nonlinear site flow if the nonlinear site flow event is determined to represent a new user request.” Note: the invention is defined by the claims and is not limited to specific embodiments within the non-claim sections of the present application.

**Claim 3.** The Office Action states that “the Web server application” has no antecedent basis. Applicants respectfully submit that the antecedent basis for “the Web server application” is in the first element of claim 3.

**Claims 4 and 6.** The Office Action, p. 3, rejects claims 4 and 6 based on a lack of an explicit order in the claims with reference to the respective parent claims. Applicants respectfully submit that 35 U.S.C. § 112 does not require elements to be recited with a specific order. In addition to not requiring a specific order, the Federal Circuit in *Altiris Inc. v. Symantec Corp.*, 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) held that although the specification discussed only a single embodiment, the court held that it was improper to read a specific order of steps into method claims where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps, and the specification did not directly or implicitly require a particular order. (Cited in MPEP § 2111.01).

**Claim 7.** Claim 7 stands rejected because “It is not clear what a product demand signal is and how that is related to developing user context.” Support for “the product demand signal” is found in U.S. Patent Application serial no. 10/699,148, filed October 31, 2003, and entitled “IDENTIFYING QUALITY USER SESSIONS AND DETERMINING PRODUCT DEMAND WITH HIGH RESOLUTION CAPABILITIES”, inventor Daniel P. Karipides, (herein referred to as the “Karipides II Application”) which is incorporated herein by reference in its entirety in paragraph 5.

Claim 7 recites “developing a product demand signal from user contexts developed in (c)” and, thus, does not recite a relationship “to developing user context”.

**Claims 8 and 9.** Claims 8 and 9 stand rejected for improper dependence from a method claim 1. Claim 8 has been rewritten as an independent claim.

The foregoing remarks also apply to claims with similar limitations as the claims 1-4, 6, and 7 and apply to claims dependent thereon.

Accordingly, Applicants respectfully request withdrawal of the rejection.

#### **Claim Rejection - 35 U.S.C. § 103**

Claims 1-4, 6, 8-9, 15-19, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,681,247 to Payton (hereinafter “*Payton*”). Applicant respectfully traverses the rejection.

Applicants respectfully submit that *Payton* makes no distinction between linear and nonlinear site flow events and, thus, does not teach or suggest “detect[ing] a nonlinear site flow event in the user session data by identifying in the user session data an indication of the nonlinear site flow event” as required by claims 1, 8, 15, and 23.

*Payton* relates to “a collaborator discovery method and system is presented for tracking and correlating user activities with respect to information resources on an electronic network to assist users in finding others with common interests.” *Payton*, Abstract. “The system includes a monitor for tracking user activities, an entry processor for updating and

providing monitored activities to a match database, and a matcher to correlate user activities and to diffuse user interests to information resources that have not yet been visited.” *Id.*

*Payton* teaches that a system’s “primary function is to collect information about user activities, for example their web-browsing sessions and their organization of particular items on their computer desktop, in bookmark files, and in folders.” *Id.*, col. 7, lines 23-26. Thus, no distinction is made between linear and nonlinear site flow events. Accordingly, Applicants respectfully submit that *Payton* neither teaches nor suggests “(a) detect[ing] a nonlinear site flow event in the user session data by identifying in the user session data an indication of the nonlinear site flow event.” Claims 1, 8, 15, and 23. Applicants further submit that *Payton* also neither teaches nor suggests “determin[ing] which, if any, information associated with the nonlinear site flow event detected in (a) should be included in the user context” and “develop[ing] the user context using the information, if any, associated with the nonlinear site flow event determined in accordance with (b).” *Id.*

Accordingly, Applicants respectfully submit that independent claims 1, 8, 15, and 23 are allowable over the teachings and suggestions of *Payton* for at least the foregoing reasons. Applicants also respectfully submit that claims directly or indirectly dependent upon claims 1, 8, 15, and 23 are allowable for at least the same reasons.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

FILED ELECTRONICALLY  
January 23, 2008

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